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Response to Off. Action mailed 10/17/2003

REMARKS

Claims 10, 11, and 14-16 were rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 10 and 16 have been amended to correct the indefiniteness.

Claims 10, 11, and 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over McKown (U.S. Patent Number 2,586,472) in view of Aguilera (U.S. Patent Number 6,550,214) and Carillo (U.S. Patent Number 4,449,845).

The claims of the Present Invention are for an apparatus that includes a first engagement member with a first frame, a first adjustable handle, a first fastening bolt, and a first cylindrical elongated handle, and a second engagement member that includes a second engagement member with a second frame, a first adjustable handle, a second fastening bolt, and a second cylindrical elongated handle, wherein both engagement members are attachable and removable from a straight edge board. The prior art does not disclose such an apparatus alone or in combination.

McKown, U.S. Patent Number 2,586,472, is directed to a scraping and wiping tool that removes and collects objects from hard surfaces such as floors, walls or windows. McKown does NOT disclose the use of a straight edge board. Instead, McKown discloses the use of a wiping and scraping blade that has grooves (38) for collecting substances that are scraped by the blade (34). If the blade (34) of McKown was used on uncured concrete, the blade would collect concrete in the grooves (38) and leave the concrete in an unsmooth condition. Further, McKown discloses use of a single engagement member (10) with a handle receiving socket (28) in a fixed position for

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receiving a single handle (30). The socket (28) of McKown must be fixed in order for the scraping tool of McKown to work properly since it must not be flexible or it will not scrap material from a hard surface. If McKown had a moveable connecting socket as disclosed in the claims of the Present Invention, the handle would move when a substance was engaged by the blade (34). Thus, McKown does not anticipate or render the claims of the Present Invention obvious. McKown teaches away from use of a moveable socket since a moveable socket would prevent the tool of McKown from scraping away substances on a hard surface.

Aguilera, U.S. patent Number 6,550,214, discloses a single handle device that includes a three tier plate portion (12) with a swivel bracket (28) secured thereto. Thus, Aguilera discloses a fixed device that is not detachable or removable. Aguilera discloses a single device that must be transported from site to site in its entirety. Aguilera teaches away from a device that is attachable and removable from a 2X4 board. Thus, Aguilera cannot be combined with McKown to render the claims of the Present Invention obvious. Aguilera teaches a complete device and McKown teaches use of a scraping blade with an attachable holder having a fixed socket for securing a handle thereto in a fixed position.

Carrillo, U.S. Patent Number 4,449,845, discloses use of a single screed bracket (12) with three handles (40, 50 and brace 64) and a cross bar (60) connected to a harness (70). Carrillo only teaches use of a single screed bracket (12), even in its alternative embodiment shown in figure 8. Further, Carrillo suggestion to reduce weight by using a discontinuous flange (128) is because of the overall weight and complexity of the Carrillo invention which includes 3 handles (40, 50 and 64), a cross bar (60), a harness (70) and the single screed bracket (12). Further, Carrillo teaches


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away from the two engagement members: "By merely removing one screed 30 and by inserting another screed into the bracket 12, **a single bracket**, with its handles, may be used with boards of different lengths." (See column 4, lines 2-5). Thus, Carillo cannot be combined with McKown and Aguilera to render the claims of the Present Invention obvious.

Therefore, it is believed that the invention of the claims of the Present Application are allowable in view of the prior art. The Applicant respectfully solicits a Notice of Allowance for the pending claims.

Respectfully submitted,



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